



US Army Corps  
of Engineers

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 249931N DATE: 4 March 2002

RESPONSE REQUIRED BY: 4 April 2002

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

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1. **INTRODUCTION:** The Del Rio Woods Recreation and Park District (DRWRPD), 35 Rockwood Court, San Francisco, California 94127-1031 (Donald King, President), has applied to the U.S. Army Corps of Engineers (USACE) for a five-year Department of the Army Permit to continue the annual construction and breaching of a summer dam on the Russian River, at river mile 34.0, in the City of Healdsburg, Sonoma County, California. The summer dam is located at 2660 Del Rio Court, in the vicinity of Fitch Mountain, approximately 21/2 miles upstream of the Healdsburg War Memorial Dam. The summer dam consists of two gravel berms that abut a permanent concrete weir structure constructed in the river channel. This Public Notice supersedes the project described in Public Notice No. 24993N, issued on 1 March 2000, that was subsequently withdrawn from permit processing due to several unresolved issues relating to endangered species. This individual permit application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344).

2. **PROJECT DESCRIPTION:** As shown in the attached drawings, the summer dam is constructed of river-run sand and gravel that is pushed up by bulldozer on both sides of a permanent concrete weir structure. After the berms are constructed, the river flow is routed through the weir. The volume of water impounded behind the dam is gradually enlarged and deepened by the installation of flashboards on the weir structure over several days, until the impoundment area ranges from 5 to 11 feet in depth and extends upstream for approximately 5,800 feet. The two constructed berms are approximately 90 and 40 feet in length, 15 feet in height, and up to 40 feet in width at the toe-of-slope with 1:1 sideslopes. The permanent weir structure is 43 feet in length and 30 feet in width, and contains two stepped-pools with a four-foot riser. At the upper pool level, a steel frame supports removable flashboards that increase the spillway elevation in one-foot increments to five feet. Seasonal berm construction requires the discharge of approximately 1,800 cubic yards (cys) of material below the plane of ordinary high water, raising the substrate elevation up to fifteen feet over 0.12 acre of riverbed. River-run sand and gravel used to construct the berms is obtained by skimming exposed portions of the adjacent bar, lowering the substrate elevation an average of six inches over 2.3 acres of riverbed.

The timing and methodology of the berm construction and breaching have been somewhat modified to coincide with the

seasonal operation of the newly constructed fish ladder downstream at the Healdsburg War Memorial Dam, thereby providing relatively unrestricted passage of adult and juvenile salmonids and minimizing turbidity and sedimentation downstream. The new fish ladder is inoperable from 26 June to late September, when the flashboards are in-place for the seasonal recreation impoundment at the Healdsburg War Memorial Dam.

The seasonal construction of the berms would include the following activities: Commencing on 20 June of each year, the steel flashboard frames are installed on the weir structure, and gravel is skimmed from the exposed west bar and stockpiled near the weir. Portions of the stockpiled gravel are placed around the weir to fill scour holes and to gain access to the east bank with minimal equipment operation in flowing water. The east (left) berm is then constructed by pushing lifts of stockpiled gravel into the low-flow channel until the flow is completely blocked and diverted through the weir. If required, a low-flow channel is immediately excavated upstream of the weir to hasten the water diversion process. In turn, the remaining stockpiled gravel is used to construct the west (right) berm on the exposed bar. After the berms are constructed, the flashboards are gradually installed to ensure nearly continuous water flow through the weir. Finally, the exposed west bar (six acres) is lightly graded and groomed to remove any pits and depressions that may be hazardous to the public.

Commencing on the week following Labor Day of each year, the seasonal breaching of the berms would include the following activities: The flashboards and frames are removed over several days to gradually lower the impoundment water level and minimize the effects of drawdown below the dam. With minimal or no equipment operation in flowing water, the west berm is then excavated down to wet sand, and the excavated sand and gravel is spread over exposed areas of the adjacent bar. In turn, a small trench is manually excavated in the west berm along the side of the weir structure to daylight the water level of the recently lowered impoundment; the resulting flow velocity is presumed to further erode and breach the west berm until a new low-flow channel is formed over several hours. The east berm is left in place but is presumed to breach naturally by winter high-flow events, thereby reestablishing the original low-flow channel alignment.

3. **PURPOSE AND NEED:** The DRWRPD indicates the summer dam provides enhanced recreational opportunities for swimming, canoeing, and fishing, by creating a deepened impoundment area in the river during low-flow conditions. The project location principally serves local residences but receives regional visitation during weekends and on holidays. Annual visitation is presumed to be less than 5,000 visitors, since the DRWRPD does not maintain accurate visitor use data. Summer dams have been constructed at this location for over 50 years and authorized by the USACE since 1980.

4. **STATE APPROVALS:** State water quality certification or a waiver is a prerequisite for the issuance of a Department of the Army Permit to conduct any activity which may result in a fill or pollutant discharge into waters of the United States, pursuant to Section 401 of the Clean Water Act (33 U.S.C. 1341). The DRWRPD is hereby notified that, unless the USACE is provided a valid request for water quality certification by the Regional Water Quality Control Board (RWQCB) within 30 days of the date of this Public Notice, the District Engineer may consider the permit application to be withdrawn. No Department of the Army Permit will be issued until the DRWRPD obtains the required certification or waiver. A waiver will be explicit, or it may be presumed if the RWQCB fails or refuses to act on a valid request for certification within 60 days after receipt, unless the District Engineer determines a shorter or longer period is a reasonable time for the RWQCB to act.

Water quality issues should be directed to the Executive Officer, Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period.

The project is not subject to the jurisdictional purview of the San Francisco Bay Conservation and Development Commission or the California Coastal Commission.

#### 5. **COMPLIANCE WITH VARIOUS FEDERAL LAWS:**

**National Environmental Policy Act of 1969 (NEPA):** At the conclusion of the public comment period, the USACE will assess the environmental impacts of the project in accordance with the requirements of the National Environmental Policy Act of 1969 (Public Law 91-190), the Council on Environmental Quality's Regulations at 40 CFR 1500-1508, and USACE Regulations at 33 CFR 230 and 325. The final NEPA analysis will normally address the direct, indirect, and cumulative impacts that result from regulated activities within the jurisdiction of the USACE and other non-regulated activities the USACE determines to be within its purview of Federal control and responsibility to justify an expanded scope of analysis for NEPA purposes. The final NEPA analysis will be incorporated in the decision documentation that provides the rationale for issuing or denying a Department of the Army permit for the project.

In general, the seasonal construction and breaching of the berms would alter substrate elevations, streamflow patterns, water quality, habitat for aquatic wildlife and fisheries, and the extent of riparian vegetation that would otherwise occur upstream of the dam.

**Endangered Species Act of 1973 (ESA):** Naturally spawned populations of coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), and chinook salmon (*Oncorhynchus tshawytscha*) inhabiting the California Coast Province, including the Russian River Basin, have been federally-listed as threatened under the Endangered Species Act. Critical habitat has been also designated for these species to include all estuarine and river reaches accessible to salmonids below longstanding, naturally impassable barriers. Designated critical habitat consists of the water, streambed, and adjacent riparian zone. The Middle Reach of the Russian River principally serves as a migratory corridor for adult and juvenile salmonids. Upstream migration of coho salmon generally occurs from late October to mid-February. Adult steelhead migrate up the Russian River from October through May, with stragglers entering the basin as late as mid-June. Upstream migration of chinook salmon occurs from late August through November. Due to high water temperatures during the summer months, the Middle Reach does not typically provide suitable rearing habitat for non-migrating juveniles. Steelhead and chinook salmon may be utilizing portions of the Middle Reach for spawning purposes in the late winter and spring. No other federally-listed threatened or endangered species are known to occur within the project reach or in the project vicinity.

To address project-related impacts to salmonid fish species and their designated critical habitat, the USACE will initiate formal consultation with the National Marine Fisheries Service, pursuant to Section 7(a) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.). The consultation process must be concluded prior the issuance of any Department of the Army Permit for the project.

**Magnuson-Stevens Fishery Conservation and Management Act of 1996 (MSFCMA):** The Russian River Basin occurs within essential fish habitat for the Pacific Salmon Fishery that includes both coho and chinook salmon. Essential fish habitat for these species corresponds to their designated critical habitat. The aforementioned Section 7 consultation process will also address project-related impacts to essential fish habitat.

**National Historic Preservation Act of 1966 (NHPA):** Based on a review of survey data on file with various City, State, and Federal agencies, no historic or archaeological resources are known to occur on-site or in the project vicinity. Standard construction-related measures to preserve such resources would be employed if buried artifacts or other archaeological resources

were exposed during excavation and grading operations. If unrecorded historic or archaeological resources were discovered during construction, such operations would be suspended until the USACE concluded Section 106 consultation with the State Historic Preservation Officer to take into account any construction-related impacts to these resources.

**6. COMPLIANCE WITH THE 404(b)(1) GUIDELINES:**

Projects resulting in dredged or fill material discharges into waters of the United States must comply with the Guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation pursuant to the Guidelines indicates the project is dependent on location in or proximity to waters of the United States to achieve the basic project purpose of constructing a seasonal dam for recreational purposes. The DRWRPD has been informed to submit an analysis of project alternatives to be reviewed for compliance with the Guidelines.

**7. PUBLIC INTEREST EVALUTION:** The decision on whether to issue a Department of the Army Permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the project and its intended use of the public interest. Evaluation of the probable impacts requires a careful weighing of the public interest factors relevant in each particular case. The benefits that may accrue from the project must be balanced against any reasonably foreseeable detriments of project implementation. The decision on permit issuance will, therefore, reflect the national concern for both protection and utilization of important resources. Public interest factors which may be relevant to the decision process include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**8. CONSIDERATION OF COMMENTS:** The USACE is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of the project. All comments received by the USACE will be considered in the decision on whether to issue, modify, condition, or deny a Department of the Army Permit for the project. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, and other environmental factors addressed in a final Environmental Assessment or Environmental Impact Statement. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the project.

**9. SUBMITTING COMMENTS:** During the specified comment period, interested parties may submit written comments to the San Francisco District, Regulatory Branch, North Section, citing the applicant's name and Public Notice Number in the letter. Comments may include a request for a public hearing on the project prior to a determination on the permit application; such requests shall state, with particularity, the reasons for holding a public hearing. All comments will be forwarded to the DRWRPD for resolution or rebuttal. Additional information may be obtained from the DRWRPD or by contacting Mr. Peter Straub of the Regulatory Branch at telephone 415-977-8443.